

features.” According to the Examiner, the Biorise publication (XP002142912) (“Biorise”) shows the special technical feature of the invention. Applicants strongly traverse.

Section 806.02 of the MPEP states, “For the purpose of a decision on the question of restriction, and for this purpose only, *the claims are ordinarily assumed to be in proper form and patentable (novel and unobvious) over the prior art*” (emphasis added). Applicants contends that the Examiner is improperly taking patentability into account when reviewing the groups of inventions under PCT Rule 13.1. The Examiner must assume that the polymer process claimed in claim 25 is patentable for purposes of the restriction requirement. For this reason alone, Applicants respectfully request withdrawal of this restriction requirement.

Moreover, the present invention is novel in view of the teaching in Biorise. The presently claimed process involves the steps of:

- (a) providing a deposit of deposition matter at the surface, or fluid phase
deposition of discrete particles, or dissolved deposition matter by
immersion or spraying of solid state polymer substrate with a solution,
dispersion or suspension of deposition matter;
- (b) **drying by freezing, evaporation, heating or blotting;**
- (c) contacting the surface deposited polymer with a plasticizing fluid or a mixture
of plasticizing fluids under plasticizing conditions to plasticize and/or
swell the polymer and internally distribute deposition matter; and
- (d) releasing the plasticizing fluid or fluids to obtain polymer composite.

The special technical feature shared by all of the process claims of this application is the contacting of a dry (i.e. solvent-free) mixture of polymer substrate and deposition matter with a supercritical fluid.

The Examiner's own summary of Biorise makes it clear that the Biorise process omits the drying step (step (b) above). Accordingly, the presently claimed process is novel over Biorise. Therefore, the restriction requirement should be reconsidered and withdrawn.

In light of the foregoing, Applicants respectfully request that the restriction requirement be withdrawn. It is believed that the present application is in condition for examination. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, she is invited to telephone the undersigned at the number provided.

Respectfully submitted,
JACOBSON HOLMAN PLLC

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By: 

N. Whitney Wilson
Registration No. 38,661

400 Seventh Street, N.W.
Washington, D.C. 20004
(202) 638-6666